

REMARKS

Amendments to claims 1 and 39 are for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

Claims 1-3, 6-13, 21-25, 27-34, 39-42, and 46-55 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,950,493 (Besson) in view of U.S. Patent No. 4,048,496 (Albert).

Claim 1

Claim 1 has been amended to recite a disk (having a first target material and a second target material) that is rotatable. Besson does not disclose or suggest such disk. Rather, Besson discloses steering a tube electron-beam from one track to the next (see column 21, lines 52-57), and does not mention anything regarding a *disk* having first and second target materials (emphasis added). Nor does Besson disclose or suggest a disk that is rotatable. Albert also does not disclose or suggest the above limitations, and therefore fails to make up the deficiencies present in Besson. In particular, to the extent that the elements 54 of Albert are analogized as the claimed first and second target materials, and the elements 61 of Albert are analogized as the claimed first and second filtering materials, Applicant respectfully notes that the structure 18 carrying the elements 54 in Albert is not rotatable (figure 1). For at least the foregoing reasons, claim 1 and its dependent claims are believed allowable over Besson, Albert, and their combination.

Claim 1 also recites a first target material that corresponds with a first portion of a radiation filter, and a second target material that corresponds with a second portion of the radiation filter. Applicant agrees with the Examiner that Besson does not disclose these limitations. According to the Office Action, Albert discloses the above limitations, and it would have been allegedly obvious to modify Besson to employ a first target material corresponding with a first portion of a radiation filter, and a second target material corresponding with a second portion of a radiation filter “to enhance versatility of the equipment.” (p.3 of Office Action). Applicant respectfully disagrees. Albert teaches providing different targets 54, 61 so that the testing equipment can be configured to test an unknown substance 13 (see column 2, lines 10-18,

and figure 1) - i.e., different targets are needed because the chemical constituents are unknown in the sample 13. On the other hand, Besson is directed to a system for imaging objects (e.g., human - see figure 2), for which the compositions are generally well known. Thus, Besson is not concerned with providing enhance versatility for the test equipment. Also, according to KSR International Co. v. Teleflex Inc. et al, No. 04-1350 (Supreme Court 2006), "One of the ways in which a patent's subject matter can be proved obvious is by noting that there existed at the time of invention a *known problem* for which there was an obvious solution encompassed by the patent's claims." (Emphasis Added) In this case, because there is nothing in the record indicating that the device of Besson has a known problem in the art that it lacks versatility, Applicant respectfully submits that the prima facie case of the § 103 rejection has not been established. For these additional reasons, claim 1 and its dependent claims are allowable over Besson, Albert, and their combination.

Claim 39

Claim 39 has been amended to recite a first target material that is moveable relative to an electron source. As similarly discussed with respect to claim 1, Besson and Albert do not disclose or suggest a target material that is moveable. For at least the foregoing reason, claim 39 and its dependent claims are believed allowable over Besson, Albert, and their combination.

Claim 39 also recites that the first radiation filter is adapted to receive a first radiation generated using the first target material, and the second radiation filter is adapted to receive a second radiation generated using the second target material. As similarly discussed with reference to claim 1, Besson does not disclose or suggest these limitations, and is not concerned with enhancing versatility of an equipment. Thus, it would not have been obvious to combine Albert with Besson in the purported manner described in the Office Action. For these additional reasons, claim 39 and its dependent claims are believed allowable over Besson, Albert, and their combination.

Claim 21

Claim 21 recites a method for generating image data, comprising applying a first filter factor to the first x-ray radiation to obtain a first filtered radiation, and applying a second filter

factor to the second x-ray radiation to obtain a second filtered radiation. As similarly discussed with reference to claim 1, Besson does not disclose or suggest these limitations, and is not concerned with enhancing versatility of an equipment. Thus, it would not have been obvious to combine Albert with Besson in the purported manner described in the Office Action. For at least the foregoing reasons, claim 21 and its dependent claims are believed allowable over Besson, Albert, and their combination.

Claim 31

Claim 31 recites that *the collection* of the first and the second sets of image data *is synchronized with positions* of the first and the second filters (Emphasis Added). The Office Action has not provided a basis for rejecting this claim. Thus, Applicant respectfully requests that the rejection for this claim be withdrawn.


CONCLUSION

If the Examiner has any questions or comments, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7036492002**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7036492002**.

Respectfully submitted,

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